

Form 410

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Marty R Russell
Mandy J Russell
Debtor(s)

Bankruptcy Case No.: 16-70572-JAD
Doc. No. 50
Chapter: 13
Docket No.: 51 – 50
Concil. Conf.: October 12, 2017 at 09:00 AM

ORDER

WHEREAS, the Trustee filed and served a *Certificate of Default Requesting Dismissal of Case*, alleging that the Debtor(s) failed to make regular plan payments and are in material default under the plan,

IT IS HEREBY ORDERED that, on or before **August 7, 2017**, Debtor(s) must file *Documentary Proof of Payment* according to the accompanying *Instructions*, together with either:

1. a *Notarized Affidavit or Declaration* under penalty of perjury that states Debtor(s)' current mailing address and includes an explanation of Debtor(s)' failure to comply with the current plan payment and/or a statement setting forth why the Debtor(s) dispute the *Certificate of Default*;

OR

2. a *Notice of Proposed Modification to Confirmed Plan* and an *Amended Plan* to cure the plan defaults. Debtor(s) must make all plan payments in accordance with the *Amended Plan* pending its confirmation. If the Debtor(s) default on such plan payments, and if the Trustee moves for dismissal of this case, the case will be **DISMISSED**, without further notice or hearing.

IT IS FURTHER ORDERED that, if the Debtor(s) elect to file an *Amended Plan*, the Debtor(s) must immediately serve a copy of the *Notice of Proposed Modification to Confirmed Plan*, the *Amended Plan*, and the *Documentary Proof of Payment* on the Chapter 13 Trustee and all parties on the mailing matrix and file a *Certificate of Service* with the Clerk.

On or before **August 22, 2017**, if the Debtor(s) elect to file an *Amended Plan*, all *Objections* must be filed and served on the Debtor(s), Chapter 13 Trustee and any creditor whose claim is the subject of the *Objection*. Any creditor who files a timely *Objection* must appear at the scheduled Conciliation Conference. Untimely *Objections* will not be considered.

On **October 12, 2017 at 09:00 AM** a Conciliation Conference (on plan defaults or the *Amended Plan*) will occur with the Chapter 13 Trustee at 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.

If the Parties cannot resolve all disputes at the Conciliation Conference, a hearing will be scheduled and orally announced at the conclusion of the Conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the Conciliation conference to the extent such parties desire more information regarding the outcome of the Conciliation Conference.

This case will be **DISMISSED WITHOUT PREJUDICE** and no hearing or conference shall take place, unless the Debtor(s) comply fully with this *Order* by filing and serving all of the required items.

Dated: June 23, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cm: All Creditors and Parties In Interest

INSTRUCTIONS FOR DOCUMENTARY PROOF OF PAYMENT

In response to the Trustee's *Certificate of Default Requesting Dismissal of Case*, Debtor(s) must file *Documentary Proof of Payment* that at least one full plan payment has been submitted to the Trustee since the Trustee filed and served the *Certificate of Default*.

The *Documentary Proof of Payment* must include a copy of a money order, cashier's check, earnings statement(s) or pay stub(s) showing payroll or benefit deduction(s) used to make the plan payment.

The *Documentary Proof of Payment* must also include a copy of the Trustee's printout of the Debtor(s)' payment history of receipts (available on the Trustee's website) indicating the amounts and dates of payments received by the Trustee.

Debtor(s)' case name and bankruptcy case number must be included on the payment.

The plan payment must be sent to the Chapter 13 Trustee's lock box bank account addressed to:

Ronda J. Winnecour, Trustee
P.O. Box 84051
Chicago, IL 60689-4002

Certificate of Notice Page 3 of 3
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Marty R Russell
 Mandy J Russell
 Debtors

Case No. 16-70572-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: msch
 Form ID: 410

Page 1 of 1
 Total Noticed: 16

Date Rcvd: Jun 23, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 25, 2017.

db/jdb +Marty R Russell, Mandy J Russell, 117 Garrett Rd, New Paris, PA 15554-7949
 14272425 +At&t, One AT&T Way, Room 3A104, Bedminster, NJ 07921-2694
 14272426 +Federal National Mortgage Association, P.O. Box 650043, Dallas, TX 75265-0043
 14324482 +M & T BANK (2), PO BOX 1508, BUFFALO, NY 14240-1508
 14272428 +M&T Bank, PO BOX 1508, Buffalo, NY 14240-1508
 14272429 +Penelec, 331 Newman Springs Rd., Bldg. 3, Red Bank, NJ 07701-5688
 14330816 +Pinnacle Credit Services, LLC its successors and, assigns as assignee of Cellco,
 Partnership d/b/a Verizon Wireless, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 14361847 +Rushmore Loan Management Services, P.O. Box 55004, Irvine, CA 92619-5004
 14272431 +SETERUS, 14523 SW MILLIKAN WAY STE 200, Beaverton, OR 97005-2352
 14272432 +The United Telephone Company of Pennsylv, CenturyLink Bankruptcy, 359 Bert Kouns,
 Shreveport, LA 71106-8124
 14363796 UPMC Community Medicine, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr E-mail/PDF: rmscedi@recoverycorp.com Jun 24 2017 00:28:15

Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14272424 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jun 24 2017 00:39:01 American InfoSource,
 PO Box 248838, Oklahoma City, OK 73124-8838
 14272427 +E-mail/Text: cio.bncmail@irs.gov Jun 24 2017 00:32:00 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 14272430 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jun 24 2017 00:53:23
 Portfolio Recovery Associates LLC, PO Box 12914, Norfolk, VA 23541
 14277860 E-mail/PDF: rmscedi@recoverycorp.com Jun 24 2017 00:28:15
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
 cr Wilmington Savings Fund Society, FSB, d/b/a Christ
 14366016* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
 (address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
 TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 25, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 23, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Carlsbad Funding Mortgage Trust
 bkgroup@kmlawgroup.com
 Lawrence W. Willis on behalf of Debtor Marty R Russell help@urfreshstrt.com,
 urfreshstrt@gmail.com
 Lawrence W. Willis on behalf of Joint Debtor Mandy J Russell help@urfreshstrt.com,
 urfreshstrt@gmail.com
 Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5